



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

October 11, 2004
Revised December 6, 2004

U. S. Army Corps of Engineers
Regulatory Branch
Post Office Box 1890
Wilmington, NC 28402-1890

ATTENTION: Mr. David Timpy
NCDOT Coordinator

Dear Sir:

Subject: **Nationwide 23 Permit Application** for the replacement of Bridge Nos. 35 & 44 over Six Runs Creek on NC 403 (Faison Highway), Sampson County.
Federal Aid Project No. BRSTP-403(2), State Project No. 8.1281401,
Division 3, TIP No. B-3906, WBS #33341.1.1.

This document contains revisions to the original permit application submitted on October 11, 2004. Revisions include changes to the wetland impacts listed in the original application. Permit drawing sheets 4 and 5 have been updated and are attached. All changes to the application cover letter are highlighted with Italics.

Please find enclosed three copies of the project planning report, permit drawings, ½ size plans and EEP confirmation letter for the above referenced project. The document specifies that Alternative A has been selected. The document states that Bridge Nos. 35 and 44, built in 1939 over Six Runs Creek, will be replaced in-place with new bridges using top-down construction. The new structures will be approximately 90 ft for Bridge No. 35 and 105 ft for Bridge No. 44 as shown in the permit drawings. The bridge length for Bridge No. 35 was originally estimated to be 105 ft in the Categorical Exclusion document. The Hydraulics Department, after conducting a field survey, determined that the structure would adequately minimize impacts with a length of 90 ft.

The structures will include two 12 ft travel lanes with 4 ft of lateral clearance on each side of the bridge. The roadway approaches will provide two 12 ft travel lanes with 8 ft shoulders, 4 ft of the shoulders being paved. The roadway approach and bridge grades will approximately match existing bridge and roadway elevations. During construction, traffic will be maintained by an off-site detour.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

IMPACTS TO WATERS OF THE UNITED STATES

GENERAL DESCRIPTION: This project is located in the Cape Fear River Basin within USGS hydrologic unit 03030006 (sub-basin 030619). The proposed bridge replacements are located over Six Runs Creek, which has been assigned a Division of Water Quality best usage classification of “C Sw”.

PERMANENT IMPACTS: The U.S. Army Corps of Engineers verified the wetlands for both bridges on January 2, 2002. Riverine wetlands will be permanently impacted and consist of 0.11 acres of fill and 0.29 acres of mechanized clearing for a total of 0.40 acres *for a total of 0.11 acres*. There will be no permanent impacts to streams.

TEMPORARY IMPACTS: There will be no temporary impacts to streams or wetlands due to the top-down construction methods being implemented.

BRIDGE DEMOLITION: Bridge No. 35 consists of a continuous reinforced concrete deck on steel I-beams. The bridge has two spans, totaling 53 feet in length. All bents are timber caps and piles. Bridge No. 44 consists of a continuous reinforced concrete deck on steel I-beams. The bridge has two spans, totaling 52 feet in length. The end bents are timber caps and piles and the interior bents are steel caps on H-piles. There is also a crutch at bent 1. It is anticipated that the bridge railings and substructure will be removed without dropping components into Waters of the United States. All guidelines for bridge demolition and removal will be followed in addition to Best Management Practices for the Protection of Surface Waters and BMP's for Bridge Demolition and Removal.

Because no moratoriums apply, this project falls under Case 3 (no special restrictions) of the Best Management Practices for Bridge Demolition and Removal.

UTILITIES: No impacts to waters of the U.S. from utilities are anticipated as a result of demolition or construction.

MITIGATION

The Corps of Engineers has adopted, through the Council on Environmental Quality (CEQ), a wetland mitigation policy that embraces the concept of “no net loss of wetlands” and sequencing. The purpose of this policy is to restore and maintain the chemical, biological, and physical integrity of the Waters of the United States. Mitigation of wetland and surface water impacts has been defined by the CEQ to include: avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time and compensating for impacts (40 CFR 1508.20). Executive Order 11990 (Protection of Wetlands) and Department of Transportation Order 5660.1A (Preservation of the Nations Wetlands), emphasize protection of the functions and values provided by wetlands. These directives require that new construction in wetlands be avoided as much as possible and that all practicable measures are taken to minimize or mitigate impacts to wetlands.

AVOIDANCE AND MINIMIZATION: The NCDOT is committed to incorporating all reasonable and practicable design features to avoid and minimize jurisdictional impacts,

and to provide full compensatory mitigation of all remaining, unavoidable jurisdictional impacts. Specific measures taken to minimize impacts are as follows:

- Replacing Bridge Nos. 35 & 44 using top-down construction methods will minimize the impacts to Six Runs Creek and surrounding wetlands.
- No bents will be placed in the stream.
- Bridge lengths have been increased from 53 ft to 90 ft for Bridge No. 35 and from 52 ft to 105 ft for Bridge No. 44.
- Increasing the side slopes to 2:1 and 3:1 will further minimize wetland impacts and are required to stay within the existing right-of-way.
- *Hand clearing of vegetation has been adopted instead of the previously proposed mechanized clearing.*

COMPENSATORY MITIGATION: Based upon the agreements stipulated in the “Memorandum of Agreement Among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U.S. Army Corps of Engineers, Wilmington District” (MOA), it is understood that the North Carolina Department of Environment and Natural Resources Ecosystem Enhancement Program (EEP), will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for NCDOT projects that are listed in Exhibit 1 of the subject MOA during the EEP transition period which ends on June 30, 2005.

Since the subject project is listed in Exhibit 1, the necessary compensatory mitigation to offset unavoidable impacts to waters that are jurisdictional under the federal Clean Water Act will be provided by the EEP. The offsetting mitigation will derive from an inventory of assets already in existence within the same 8-digit cataloguing unit. The Department has avoided and minimized impacts to jurisdictional resources to the greatest extent possible as described above. The remaining, unavoidable impacts to ~~0.4 acres~~ *0.11 acres* of jurisdictional riverine wetlands will be offset by compensatory mitigation provided by the EEP program. A letter confirming EEP’s agreement to provide compensatory mitigation for this project is attached to this application.

FEDERALLY-PROTECTED SPECIES

Plants and animals with federal classifications of Endangered, Threatened, Proposed Endangered, and Proposed Threatened are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended. As of January 2003 the Fish and Wildlife Service (FWS) lists three federally protected species for Sampson County: American alligator, Red-cockaded woodpecker, and Pondberry (Table 1).

Field surveys for these species were conducted in 2001. The American alligator is listed as Threatened due to Similarity of Appearance [T(S/A)]. T(S/A) species are not subject to Section 7 consultation and a biological conclusion is not required.

Biological conclusions of “No effect” were found for both the Red-cockaded woodpecker and Pondberry due to lack of suitable habitat within the project study area.

Table 1- Federally Protected Species of Sampson County

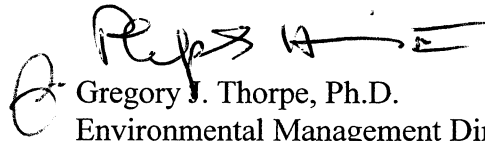
Common Name	Scientific Name	Federal Status	Habitat Present	Biological Conclusion
American Alligator	<i>Alligator mississippiensis</i>	T(S/A)	Y	N/A
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	N	No effect
Pondberry	<i>Lindera melissifolia</i>	E	N	No effect

REGULATORY APPROVALS

This project is being processed by the Federal Highway Administration as a "Categorical Exclusion" in accordance with 23 CFR 771.115(b). Therefore, we do not anticipate requesting an individual permit but propose to proceed under a Nationwide 23 in accordance with 67 FR 2020, 2082, Jan 15, 2002. We anticipate a 401 General Certification number 3361 will apply to this project and will adhere to the general conditions of WQC 3361. In accordance with 15A NCAC 2H .0501(a) we are providing two copies of this application to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, for their records.

If you have any questions or need additional information, please contact Jon Scott at (919) 715-1340.

Sincerely,



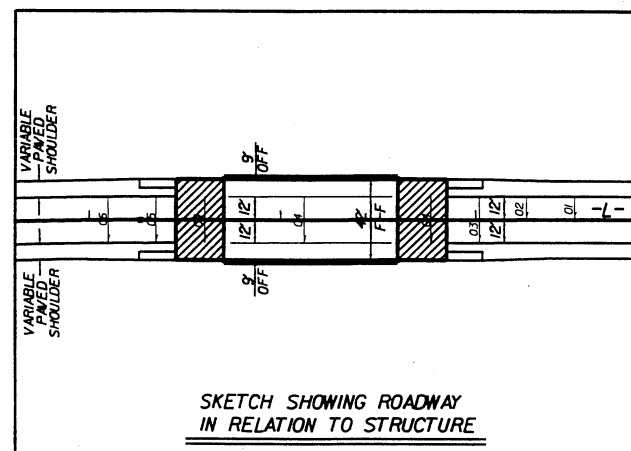
Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA

w/attachment

Mr. John Hennessy, Division of Water Quality (2 Copies)
Mr. Travis Wilson, NCWRC
Mr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. H. Allen Pope, P.E., Division Engineer
Mr. Mason Herndon, Division Environmental Officer
Mr. Ron Hancock, State Bridge Construction Engineer

w/o attachment

Mr. Jay Bennett, P.E., Roadway Design
Mr. Omar Sultan, Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Mark Staley, Roadside Environmental
Mr. David Franklin, USACE, Wilmington PDEA Project Planning Engineer
Ms. Theresa Ellerby, PDEA Engineer
Ms. Beth Harmon, EEP



DATUM DESCRIPTION


THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED BY NCODT FOR MONUMENT "B3906-3"


WITH NAD 1983/95 STATE PLANE GRID COORDINATES OF
NORTHING: 406359.23(111) EASTING: 2225620.07(111)

THE AVERAGE COMBINED GRID FACTOR FOR THIS PROJECT
(GROUND TO GRID) IS: 0.999876870

THE N.C. LAMBERT GRID BEARING AND
LOCALIZED HORIZONTAL GROUND DISTANCE FROM
"B3906-3" TO 4: STATION 17+100 IS
N 37°10'03"E 117402'

ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES
VERTICAL DATUM USED IS NAD 88


 DENOTES FILL IN WETLANDS

 DENOTES HAND CLEARING

 DENOTES APPROACH SLAB

FOR -L- PROFILE SEE SHEET NO.6

SEE SHEETS S-1 THRU S-
FOR STRUCTURE PLANS



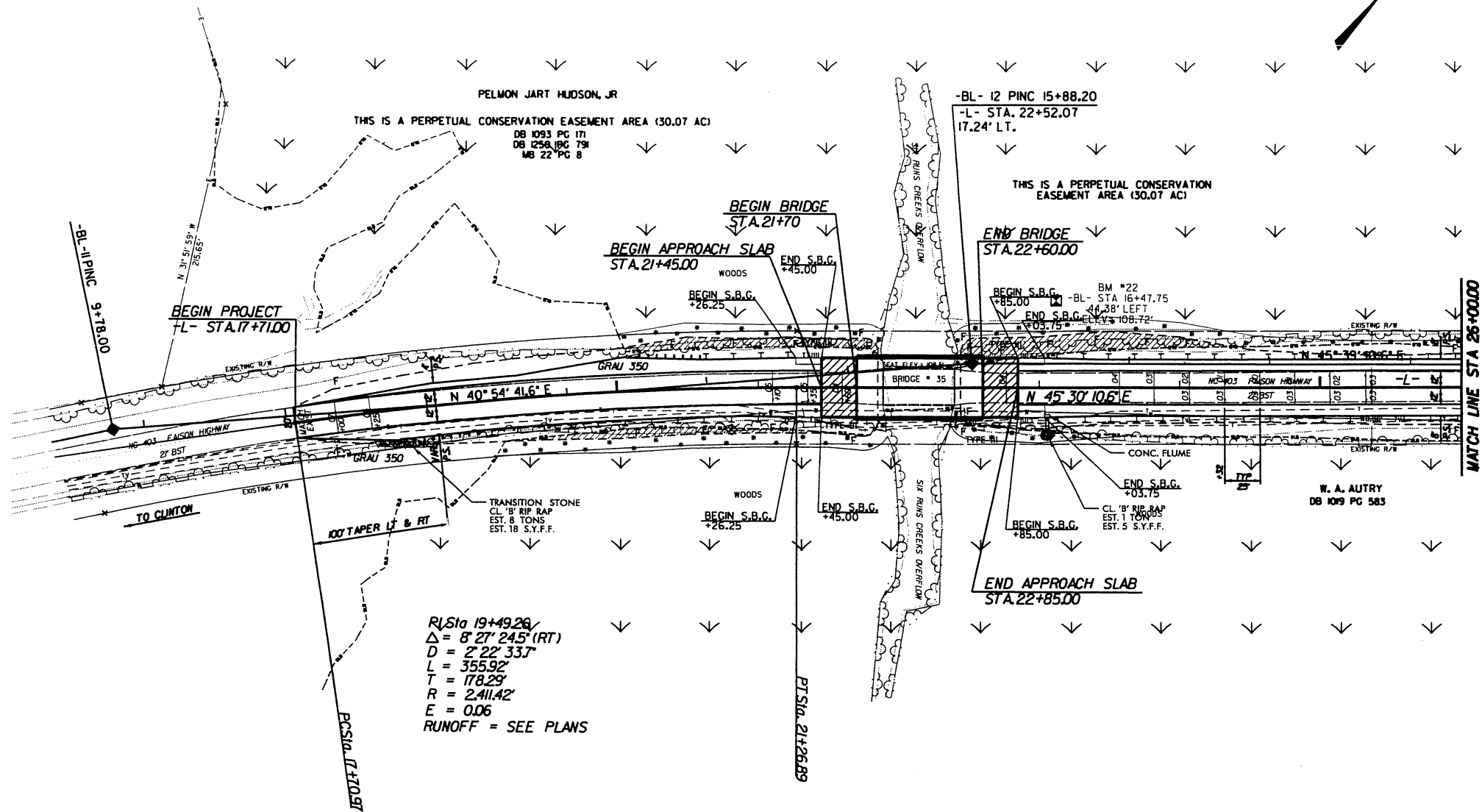
Ramey Kemp & Associates, Inc.
Transportation Consulting Engineers

4328-A Windy Hill Drive Raleigh, North Carolina 27609
(919) 872-595 fax (919) 878-5446

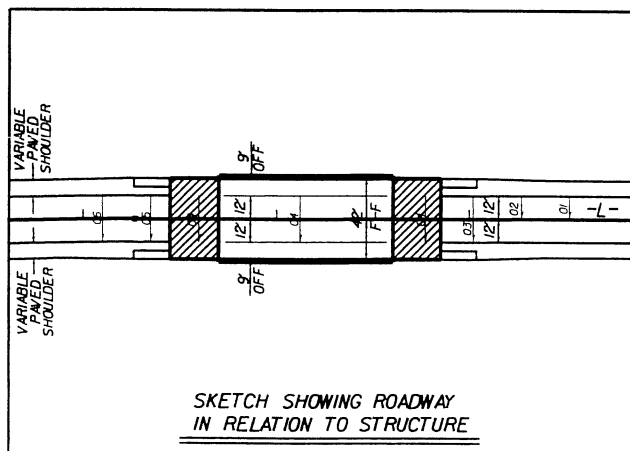
11/24/04

Sheet 5 of 12

PROJECT REFERENCE NO. B-3906	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



$RI\text{Sta } 19+49.26$
 $\Delta = 8' 27" 24.5" (RT)$
 $D = 2' 22" 33.7"$
 $L = 355.92'$
 $T = 178.29'$
 $R = 2,411.42'$
 $E = 0.06$
 RUNOFF = SEE PLANS



DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED BY NCDDOT FOR MONUMENT "B3906-3" WITH NAD 1983/95 STATE PLANE GRID COORDINATES OF NORTHING: 486,359,231(11) EASTING: 2,225,620,701(11) THE AVERAGE COMBINED GRID FACTOR USED ON THIS PROJECT (GROUND TO GRID) IS: 0.999876870 THE N.C. LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM "B3906-3" TO +L- STATION 17+71.00 IS N 37° 10' 03" E 1174.02' ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES VERTICAL DATUM USED IS NAVD 88

DENOTES APPROACH SLAB

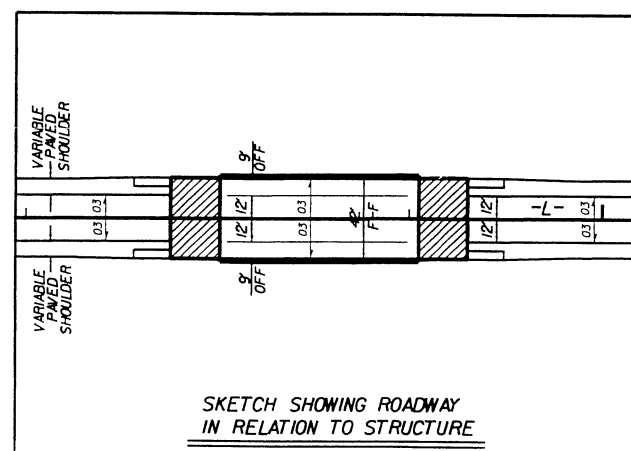
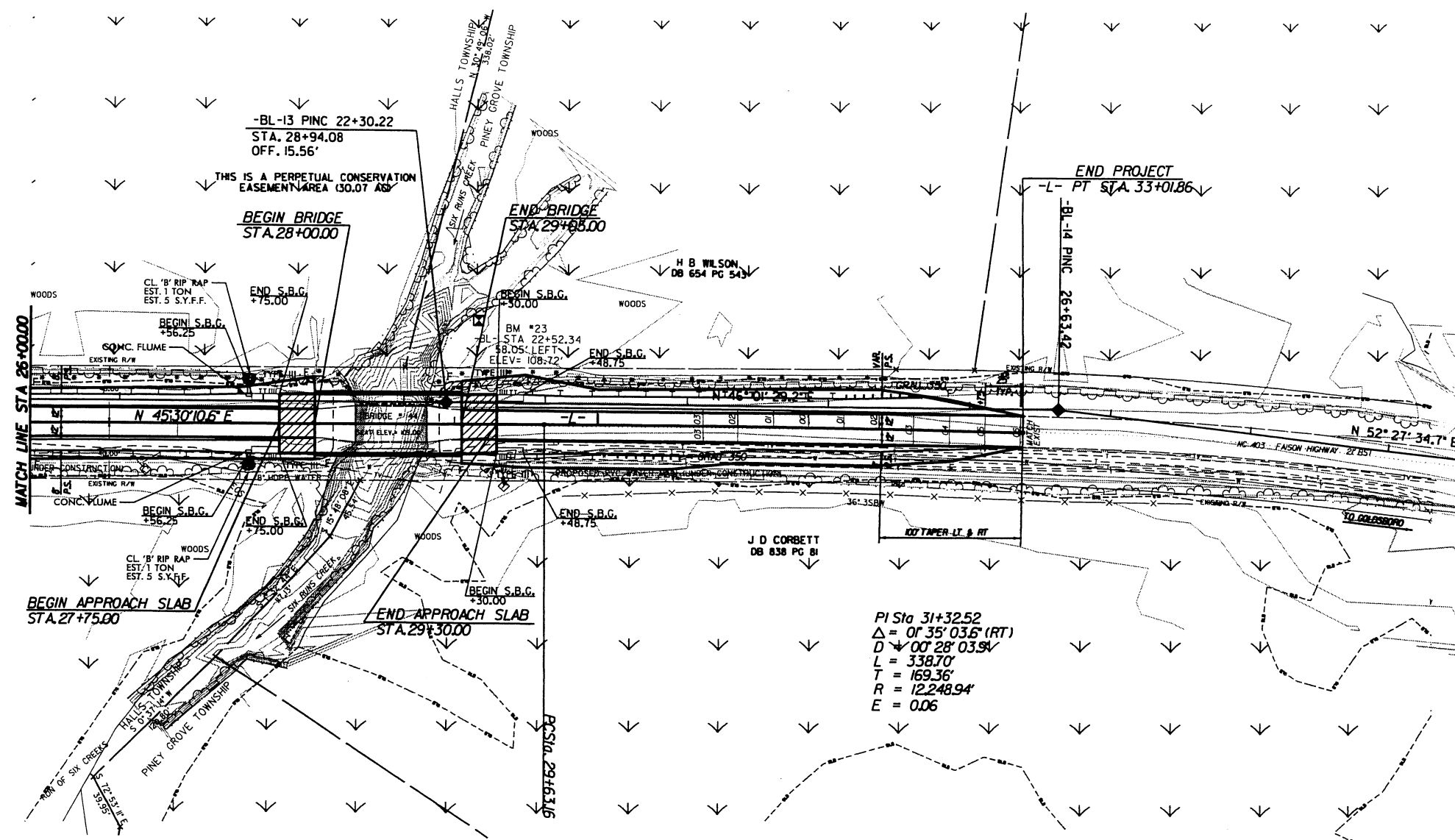
DENOTES FILL IN WETLANDS


DENOTES HAND CLEARING


FOR -L- PROFILE SEE SHEET NO.6

SEE SHEETS S-1 THRU S-4 FOR STRUCTURE PLANS

Ramey Kemp & Associates, Inc.
Transportation Consulting Engineers
4928-A Windy Hill Drive Raleigh, North Carolina 27609
1991 812-545 Fax 1991 812-546

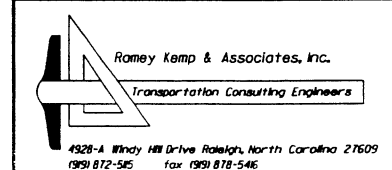
 DENOTES APPROACH SLAB

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FOR -L- PROFILE SEE SHEET NO.6

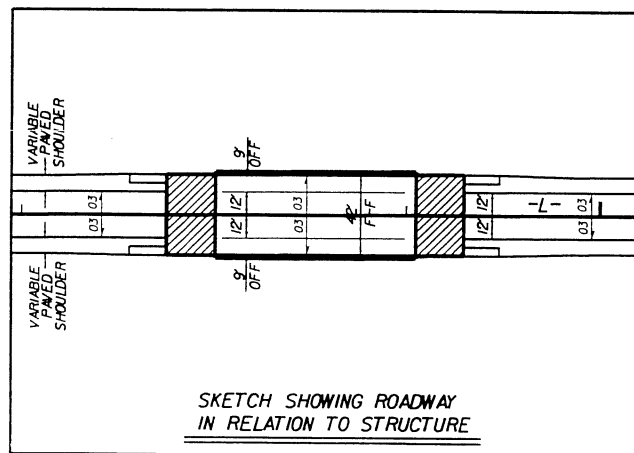
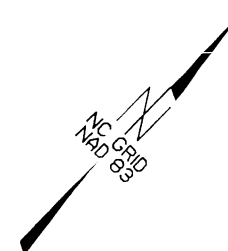
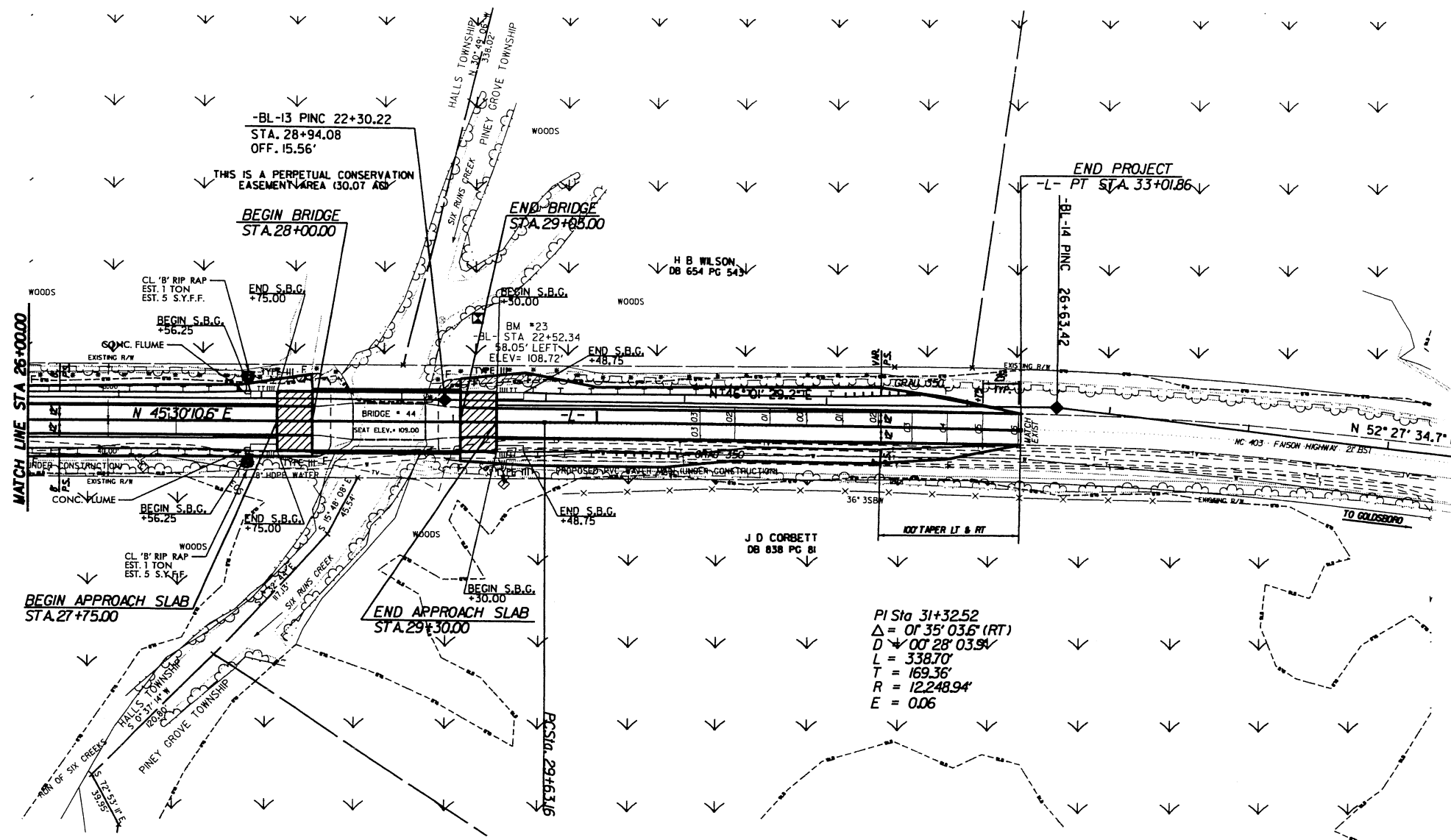
SEE SHEETS S-1 THRU S-
FOR STRUCTURE PLANS



11/24/04

Sheet 7 of 12

PROJECT REFERENCE NO.	SHEET NO.
B-3906	5
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS	
DO NOT USE FOR CONSTRUCTION	



DENOTES APPROACH SLAB

DENOTES FILL IN WETLANDS

DENOTES HAND CLEARING

FOR -L- PROFILE SEE SHEET NO.6

SEE SHEETS S-1 THRU S- FOR STRUCTURE PLANS

Ramey Kemp & Associates, Inc.
Transportation Consulting Engineers

4328-A Windy Hill Drive Raleigh, North Carolina 27609
(919) 872-5405 fax (919) 878-5406

WETLAND PERMIT IMPACT SUMMARY

TOTALS:		0.1097	0.0000	0.0000	0.0000	0.0000	0.0	0.0
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Form Revised 1/21/03